

GAHC010003482021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/199/2021

MAINA AGARWAL
W/O- BAJRANG AGARWAL, R/O- VILL- FAKIRAGRAM, P.O. FAKIRAGRAM,
P.S. FAKIRAGRAM, DIST.- KOKRAJHAR (BTAD), ASSAM

VERSUS

THE STATE OF ASSAM AND 10 ORS
REP. BY THE COMM. AND SECY. GOVT. OF ASSAM, HOME DEPTT., DISPUR,
GHY-6

2:THE BOROLAND TERRITORIAL AUTONOMOUS COUNCIL
REP. BY THE PRINCIPAL SECY.
BTAD
KOKRAJHAR
ASSAM

3:THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GHY-6

4:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
STATE HOME DEPTT.
DISPUR
GHY-6

5:THE DIRECTOR GENERAL OF POLICE
ASSAM
B.K.KAKATY ROAD
ULUBARI
GHY-7

6:THE ADDL. DIRECTOR GENERAL OF POLICE (ADMN)
ASSAM
B.K.KAKOTY ROAD
ULUBARI
GHY-7

7:THE ADDL. DIRECTOR GENERAL OF POLICE
BTAD
KOKRAJHAR
ASSAM

8:THE ADDL. INSPECTOR GENERAL OF POLICE (ADMN)
ASSAM
B.K.KAKOTY ROAD
ULUBARI
GHY-7

9:THE SUPERINTENDENT OF POLICE
KOKRAJHAR
ASSAM

10:THE DISTRICT MAGISTRATE-CUM-DY. COMMISSIONER
KOKRAJHAR
(LAW AND ORDER) DIST.- KOKRAJHAR
ASSAM

11:THE MOTOR TRANSPORT OFFICER (M.T.O)
KOKRAJHAR
ASSA

Advocate for the Petitioner : MR. J I BORBHUIYA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

12.05.2023

Heard Mr. J.I. Borbhuiya, learned counsel for the petitioner, who submits that the hiring charges of the petitioner's vehicles amounting to Rs. 14,77,722/- have not been paid by the State respondents till date, even though the same has been admitted by

them in paragraph No. 4 of the affidavit-in-opposition filed by the Superintendent of Police, Kokrajhar, Assam (respondent No. 9), which was filed in the Registry of this Court on 16.03.2021.

2. Mr. K. Gogoi, learned counsel for the respondent Nos. 1, 3 to 10 and Mr. S.R. Rabha, learned counsel for the BTC submit that as the affidavit filed by the respondent No. 9 clearly admits that the petitioner has to be paid Rs. 14,77,722/-, some time may be provided to the respondents to pay the same.

3. I have heard the learned counsels for the parties.

4. Paragraph No. 4 of the affidavit-in-opposition filed by the Superintendent of Police, Kokrajhar on 16.03.2021 states as follows:-

“4. That with regard the statements made in paragraphs 3 to 7 of the writ petition, the deponent begs to state that the Competent Authority had hired the Vehicles from the petitioner for the use of the respondent for the interest of public service and maintaining the law and order situation. The Respondent has no authority to sanction the hire charge bills and accordingly proposals of all the hire charges bills have been forwarded to the Assam Police Head Quarter in different occasions vide Memo Nos.KJR/E/Hire charge/2019-20/3934 dated 22.09.2019, KJR/E/Hire charge/ 2019-20/3934 dated 24.07.2019, KJR/E/Hire charge/2018-19/5941 dated 20.12.2018, KJR/E/Hire charge/2018/4207 dated 15.10.2018, KJR/E/Hire charge/2018/46 dated 27.09.2018 for according sanction and release of fund for total admissible amount of Rs.14,77,722.00 (Rupees fourteen lacs seventy seven thousand seven hundred twenty two).

It is pertinent to mention that from time to time the Respondent authority released the bills of the hire charge and wages of Drivers/Handymen of the vehicles requisitioned/hired for use of side forces to maintain law & order duties in the District of Kokrajhar vide memo Nos. S/XIV/2015/33 dated 15.02.2018, S/XIV-80/RV/2017/11 dated 15.02.2018, S/XIV-80/RV/2017/10 dated 16.02.2018, S/XIV-112/RV/2019/4 dated 24.03.2020.”

5. In view of the outstanding liability of the respondents towards the petitioner, amounting to Rs. 14,77,722/-, has been admitted, the respondents are directed to pay the said amount within a period of three months from the date of receipt of a certified copy of this Order.

Writ petition is accordingly disposed of.

JUDGE

Comparing Assistant